

## Message Text

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ACTION L-03

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TO SECSTATE WASHDC 768

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E.O. 11652: N/A  
TAGS: OGEN  
SUBJECT: AMERICAN COMMUNITY SCHOOL: STATUS REPORT ON LANDLORD  
PROBLEM

REF: STATE 026723

1. SUMMARY: EMBASSY IS CONTINUING TO PURSUE WITH  
GOJ APPROACH, OUTLINED PREVIOUSLY, OF SECURING  
SIMULTANEOUSLY 1) FINAL GOJ APPROVAL TO GIVE LAND-  
LORDS A PLOT OF LAND IN EXCHANGE FOR CURRENT SCHOOL  
PROPERTY AND 2) TO REGULARIZE STATUS OF SCHOOL.  
MEANWHILE, EMBASSY IS TREATENED WITH POSSIBLE  
COURT CASE ON MARCH 17 IF GOJ IS UNABLE TO COME UP  
WITH ACCEPTABLE LAND EXCHANGE PROPOSAL OR TO OTHER-  
WISE DISSUADE THE LANDLORDS FROM PURSUING CASE.  
AMBASSADOR AND PRIME MINISTER HAVE AGREED TO OBTAIN  
FINAL CLEARANCE ON LAND EXCHANGE FROM KING HUSSEIN  
UPON HIS RETURN FROM ENGLAND, AND LANDLORDS, UNDER  
GOJ PRESSURE, HAVE INDICATED THEY MAY BE WILLING TO  
DROP COURT CASE IF THEY CAN GET AS YET UNDEFINED  
WRITTEN ASSURANCE THAT SATISFACTORY OUT-OF-COURT  
ARRANGEMENTS CAN BE MADE. ISSUE THEREFORE APPEARS  
TO BE COMING TO A HEAD. WHILE WE ARE HOPEFUL OF AN  
OUT-OF-COURT SETTLEMENT, TIMING CONSIDERATION OF  
POSSIBLE MARCH 17 COURT CASE MEANS WE MUST PREPARE FOR  
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CONTINGENCY OF DEFENDING CASE IN JORDANIAN COURTS.  
WE ARE THEREFORE ALERTING DEPARTMENT IN ADVANCE TO  
POSSIBLE NEED FOR ITS LEGAL ASSISTANCE. END SUMMARY

2. EMBASSY LEGAL COUNSEL APPEARED IN COURT ON  
FEBRUARY 23, 1977, IN CASE AGAINST AMERICAN COMMUNITY  
SCHOOL AND AGAIN REQUESTED AN EXTENSION TO ALLOW

TIME TO PREPARE DEFENSE. HIS REQUEST PREDICATED ON BASIS IT WAS EMBASSY'S UNDERSTANDING HOST GOVERNMENT IS NEGOTIATING SETTLEMENT WITH LANDLORDS AND THAT SETTLEMENT IN COURT UNLIKELY. COURT GRANTED DEFERMENT UNTIL MARCH 17, 1977, WITH UNDERSTANDING DEFENSE WOULD BE PREPARED ON MERITS OF CASE.

3. IN LATER MEETING WITH PRESIDENT OF COURT IN LATTER'S PRIVATE CHAMBERS EMBASSY COUNSEL WAS ADVISED COURT POWERLESS TO DISMISS CASE UNLESS PLAINTIFFS REQUESTED SUCH ACTION BE TAKEN. PRESIDENT OF COURT AGAIN STRONGLY URGED COUNSEL TO BE PREPARED TO DEFEND HIS CASE, RESCHEDULED FOR A FOURTH TIME, EXPLAINING NO ADDITIONAL EXTENSIONS WILL BE GRANTED BY COURT. IF PLAINTIFF REFUSES AGREE TO WITHDRAW CASE, DESPITE PRESSURES FROM GOJ, MARCH 17 SEEMS TO BE FINAL DATE SET FOR HEARING.

4. MEANWHILE, AMBASSADOR HAS BEEN ATTEMPTING TO SPUR GOJ TO FINAL DECISION ON LAND EXCHANGE PROPOSAL, INTERRUPTED DUE TO DISTRACTIONS OF NUMEROUS HIGH-LEVEL VISITS TO JORDAN AND DEATH OF QUEEN ALYA. AMBASSADOR HAS SEEN BOTH PRIME MINISTER AND MINISTER OF STATE FOR PRIME MINISTER AFFAIRS, WHO CONTINUE TO SUPPORT IDEA OF LAND EXCHANGE. LANDLORDS' POSITION ON ISSUE IS NOT CLEAR SINCE THEY HAVE BEEN DEALING DIRECTLY WITH GOJ. WE BELIEVE THEIR INITIAL REACTION WAS SOMEWHAT NEGATIVE BECAUSE THEY ARE ALSO INFLUENTIAL MEMBERS OF ROYAL AUTOMOBILE CLUB WHICH LIMITED OFFICIAL USE

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WILL LOSE PORTION OF ITS LAND IN THE LAND EXCHANGE PROPOSAL. PRIME MINSITER AND AMBASSADOR HAVE AGREED TO SEE KING HUSSEIN ON ISSUE TO GET HIS PERSONAL APPROVAL FOR AN ORDER BY THE PRIME MINISTER AS MILITARY GOVERNOR EFFECTING THE LAND EXCHANGE PROPOSAL. REGARDING COURT CASE, GOJ HAS INDICATED IT DOES NOT HAVE AUTHORITY TO HAVE COURT CASE WITHDRAWN IF JUDGE DECIDES TO HEAR CASE. THERE IS HOWEVER SOME INDICATION THAT LANDLORDS ARE CONSIDERING WITHDRAWAL OF CASE IF THEY CAN GET DECLARATION OF INTENT FROM EMBASSY OR GOJ TO SETTLE CASE SATISFACTORILY OUT OF COURT.

5. EMBASSY REQUEST FOR REGULARIZING STATUS OF SCHOOL IS RECIEVING FAVORABLE CONSIDERATION IN GOJ. WE WILL REPLY BY SEPTTEL TO CONSIDERATIONS RAISED BY DEPARTMENT IN REFTTEL.

6. IN ORDER TO PREPARE AND DEFEND CASE IN COURT,

ACS MUST INCREASE ITS FEES TO ITS LAWYER, NOW HIRED  
ON A RETAINER BASIS. FEES FOR COURT CASES ARE  
SUBJECT TO SOME NEGOTIATION, BUT LIKELY IT WILL  
EXCEED THE SCHOOL'S ABILITY TO PAY FROM THIS YEAR'S  
TIGHT BUDGET. WE WILL BE SUBMITTING A FORMAL REQUEST  
FOR AN INCREASE OF \$30,000 IN THIS YEAR'S GRANT TO  
HELP COVER THIS EXPENSE. WE WILL NEED THESE FUNDS  
AS SOON AS POSSIBLE IN ORDER TO MAKE AN INITIAL  
PAYMENT TO THE LAWYER IN COMING WEEKS IF IN FACT  
CASE DOES COME TO COURT. WE URGE FAVORABLE CON-  
SIDERATION BE GIVEN TO THIS REQUEST. THE SCHOOL  
HAS FULLY USED ITS BORROWING CAPACITY (UNTIL THE  
CURRENT CASE IS RESOLVED) TO ADD CLASSROOMS. CASH  
GRANTS MIGHT BE RAISED BUT THIS IS TIME CONSUMING,  
AND MORE IMPORTANTLY, WE WISH TO USE THIS RESOURCE  
TO THE MAXIMUM EXTENT TO COMPLETE THE SCHOOL  
EXPANSION PROGRAM AND IF NECESSARY SETTLE WITH  
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THE CURRENT OWNERS. IN VIEW OF IMPORTANCE TO WIN  
THIS CASE AND NEED FOR STRONG DEFENSE, EMBASSY  
ALSO REQUESTS DEPARTMENT'S LEGAL OFFICE BE  
PREPARED TO ASSIGN TDY LAWYER TO AMMAN FOR ASSISTING  
LOCAL LEGAL COUNSEL TO PREPARE DEFENSE. EMBASSY WILL  
ADVISE BY IMMEDIATE CABLE DURING NEXT FEW DAYS  
WHEN WE ASCERTAIN WHETHER OR NOT OUT-OF-COURT SETTLEMENT  
PROPOSITION IS SUCCESSFUL.  
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